

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl.No. 5500 of 2007()

CRIME NO. 569/07 OF KASARAGOD POLICE STATION

PETITIONERS/ACCUSED

1. V.RJAN,AGED 41 YEARS,
S/O.E. NARAYANAN NAIR,RESIDING AT
KIZHAKKEKKARA HOUSE,P.O. PERUMBALA,
KASARAGOD DIST.
2. ASOKAN M., AGED 28 YEARS,
S/O.E.KUHAMBU NAIR,
RESIDING AT CHITTUMKUZHI MEETHAL VEEDU,
P.O. PERUMBALA, KASARAGOD DIST.
3. RAJESH, AGED 34 YEARS,
S/O. KUNHIKANNAN,RESIDING AT ADUKKAM HOUSE,
P.O. PERUMBALA, KASARAGOD DIST.
4. CHANDRASEKHARAN T., AGED 30 YEARS,
S/O. KUNHIKANNAN,RESIDING AT ADUKKAM HOUSE,
P.O. PERUMBALA, KASARAGOD DIST.
5. UNNIKRISHNAN, AGED 28 YEARS,
S/O. KUNHIKANNAN,RESIDING AT ADUKKAM HOUSE,
P.O. PERUMBALA, KASARAGOD DIST.
6. K.NARAYANAN MAILOOLA, AGED 47 YEARS,
S/O. KELU,RESIDING AT MAILOOLA HOUSE,
P.O. PERUMBALA, KASARAGOD DIST.
7. ASHU @ ASHOKAN, AGED 24 YEARS,
S/O. RAMAN,RESIDING AT KOLATHINGAL HOUSE,
P.O. PERUMBALA, KASARAGOD DIST.

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER KASARAGOD,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 5500 of 2007

Dated this the 19th day of September, 2007

ORDER

Application for anticipatory bail. petitioners are accused 1 to 7 in a crime registered, inter alia, for offences punishable under Sections 326 and 307 r/w. 149 I.P.C. Political animosity is the alleged motive. The petitioners allegedly belong to C.P.I. They were allegedly members of an unlawful assembly, who in prosecution of their common object, attacked the victims, who belong to the C.P.M. The alleged incident took place on 27.8.2007. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the allegations are totally false. Political animosity is prompting the defacto complainant who have the help and assistance of the police to raise false allegations against the petitioners. The petitioners may, in these circumstances, be granted anticipatory bail, prays the counsel.

3. The learned Prosecutor opposes the application. The case diary has been placed before me. I have perused the wound

certificate. Fracture has been suffered by the victim as per the wound certificate. I do not find any features in this case, which would justify the invocation of the extra ordinary equitable discretion under Section 438 Cr.P.C. This I am satisfied is a fit case where the petitioners must resort to the ordinary and normal procedure of appearing before the Investigator or the learned Magistrate having jurisdiction and then seek regular bail in the ordinary course.

5. This application is accordingly dismissed. Needless to say, if the petitioners appear before the Investigating Officer or the learned Magistrate having jurisdiction and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously.

(R. BASANT)
Judge